

GENERAL ORDINANCE NO.G-21-93

AN ORDINANCE OF THE COMMON COUNCIL
OF THE CITY OF FORT WAYNE, INDIANA
AMENDING CHAPTER 96 OF THE MUNICIPAL
CODE OF THE CITY OF FORT WAYNE
ENTITLED "NOISE CONTROL."

WHEREAS, Chapter 96 of the Fort Wayne Municipal Code
is in need of amendment.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL
OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Chapter 96 of the Fort Wayne
Municipal Code entitled "Noise Control" is hereby
repealed and replaced with the following language:

96.01 SCOPE.

This Chapter shall apply to the control of all noise
within the city limits, as they exist now or may
hereafter be established.

96.02 DEFINITIONS.

For the purpose of this section, the following
definitions shall apply unless the context clearly
indicates or requires a different meaning:

Motor vehicle. Any vehicle powered by a mechanical
engine, and designed to be driven or used on any public
or private property. Such definition shall include, but
not be limited to: automobiles, vans, trucks,
motorcycles, motor scooters, dune buggies, snowmobiles,
all-terrain vehicles, go-carts, minibikes, and trail
bikes.

Person. Any individual, association, partnership or
corporation which includes any officer, employee,
department, agency or instrumentality.

96.03 LOUD AND UNNECESSARY NOISE PROHIBITED.

(A) It shall be a violation of this chapter for a
person to make any loud, raucous, improper, unreasonable,
offensive or unusual noise, disorder or tumult, which
disturbs, injures or endangers the comfort, repose,
health, peace or safety of others within the city, or to
permit such noise, disorder or tumult to be made in or
about his/her house or premises, and the same is hereby
declared to be a public nuisance.

(B) Further, it shall be the duty of every owner,
occupant, manager, agent or operator of any property,
structure, vehicle, or business in the city, to prevent
persons using property under their control from violating
this chapter.

96.04 ENUMERATION OF CERTAIN PROHIBITED ACTS

The following acts, uses or noises, among others,
subject to specific exemptions, are declared to be loud,
raucous or disturbing noises in violation of this
chapter. Such enumeration shall not be deemed to be
exclusive:

1 (A) Using, operating or permitting to be played,
2 used or operated any machine or device for the producing
3 or reproducing of sound in such manner as to disturb the
4 peace, quiet and comfort of the neighboring inhabitants
5 or at any time with louder volume than is necessary for
6 convenient hearing for the person who is in the room,
7 vehicle or property in which such machine or device is
8 operated and who is a voluntary listener.

9 (B) Using, operating or permitting the use or
10 operation of any machine, instrument or device capable of
11 producing or reproducing of sound which is cast upon
12 other properties including the public right-of-way for
13 the purposes of commercial advertising or to attract
14 attention to any activity, performance, sale, place or
15 structure.

16 (C) Using, operating or permitting the use or
17 operation of any machine, instrument or device capable of
18 producing or reproducing any sound on any public
19 transportation vehicle.

20 (D) Using, operating or permitting to be played,
21 used or operated any machine or device for the producing
22 or reproducing of sound on any public right-of-way
23 adjacent to any school, institution of higher learning,
24 church or court while the same are in use, or adjacent to
25 any hospital which unreasonably interferes with the
26 working of such institution, or which unduly disturbs
27 patients in the hospital.

28 96.05 PROHIBITED NOISE.

29 (A) No person shall play, use, operate or permit to
30 be played, used or operated, any machine or device for
31 the producing or reproducing of sound, if it is located
32 in or on any of the following:

(1) Any public property, including any public
right-of-way, highway, building, sidewalk, park or
thoroughfare, if the sound generated is audible at
a distance of 30 feet from its source;

(2) Any motor vehicle on a public right-of-way,
highway, or public space if the sound generated is
audible at a distance of 30 feet from the device
producing the sound.

33 MOTOR VEHICULAR NOISE

34 96.06 CERTAIN ACTS CONSTITUTE PUBLIC NUISANCE.

35 (A) The following acts are declared to be a public
36 nuisance, but the enumeration of the particular offenses
37 hereinafter particularly defined shall not be construed
38 as limiting the generality of this chapter, or limiting
39 the offense hereunder to the particular offense
40 hereinafter enumerated:

41 (1) The continuous or repeated sounding of any
42 horn or signal device of a motor vehicle when not used as
43 a danger signal. Continuous shall be defined to include
44 unnecessary or unreasonable periods of time.

45 (2) The use of any motor vehicle with
46 appurtenances attached thereto so as to create loud
47 or unnecessary grating, grinding, rattling or other
48 noise.

1 (3) The use of any motor vehicle with or
2 without the attachment of various appurtenances
3 thereto so as to create loud or unnecessary
4 grating, grinding, rattling or other noise or
5 noises. This shall include the use of any vehicle
6 said use of which causes excessive noise as a
7 result of a defective or modified exhaust system,
8 or as a result of unnecessary rapid acceleration,
9 deceleration, revving the engine, or tire squeal.

10 96.07 EXEMPTIONS.

11 Exemptions shall not be permitted within any duly
12 established "Quiet Zone" when such zone is designated by
13 appropriate signage. The following shall be exempted
14 from the provisions of this ordinance:

15 (A) Sound emitted from sirens of authorized
16 emergency vehicles.

17 (B) Lawn mowers, garden tractors, and similar home
18 power tools when properly muffled, between the hours of
19 8:00 a.m. and 8:00 p.m.

20 (C) Burglar alarms or other warning devices when
21 properly installed on publicly or privately owned
22 property, providing the cause for such alarm or warning
23 device sound is investigated and turned off within a
24 reasonable period of time.

25 (D) Celebrations on Halloween and legal holidays.

26 (E) Permitted parades or festivals, between the
27 hours of 8:00 a.m. and 12:00 midnight, Sunday through
28 Thursday; and between 8:00 a.m. and 1:00 a.m. Friday
29 through Saturday.

30 (F) Attendant noise connected with the actual
31 performance of athletic or sporting events and practices
32 related to them.

33 (G) The emission of sound for the purposes of
34 alerting persons to the existence of an emergency, or for
35 the performance of emergency work.

36 (H) Sounds associated with the normal conduction of
37 a legally established non-transient business when such
38 sounds are customary, incidental, and within the normal
39 range appropriate for such use.

40 (I) In the case of motor vehicles, where the noise
41 is the result of a defective or modified exhaust system,
42 if the cause is repaired or otherwise remedied within
43 seven (7) calendar days.

44 96.20 PENALTY.

45 Whoever violates any provisions of this chapter,
46 upon conviction thereof, shall be fined not less than one
47 hundred fifty dollars (\$150.00) nor more than five
48 hundred dollars (\$500.00) for each offense. Each day any
49 violation shall continue shall constitute a separate
50 offense."

51 SECTION 2. SEVERABILITY. If any provision of this
52 chapter is now or later amended, or its application to
53 any person or circumstance is held invalid, the
54 invalidity does not affect other provisions that can be
55 given effect without the invalid provision or
56 application.

57 SECTION 3. That this Ordinance shall be in full
58 force and effect from and after its passage and any and
59 all necessary approval by the Mayor and its legal
60 publication thereof.

61 Thomas C. Henry
62 Council Member

BILL NO. G-93-04-16 (as amended)(as amended)(as amended)

GENERAL ORDINANCE NO. 4-21-93

AN ORDINANCE OF THE COMMON COUNCIL OF THE
CITY OF FORT WAYNE, INDIANA AMENDING
CHAPTER 95 OF THE MUNICIPAL CODE OF THE
CITY OF FORT WAYNE ENTITLED "NOISE
CONTROL."

WHEREAS, Chapter 95 of the Fort Wayne Municipal Code is
in need of amendment.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF
THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Chapter 95 of the Fort Wayne Municipal
Code entitled "Noise Control" is hereby repealed and replaced
with the following language:

"95.01 SCOPE.

This Chapter shall apply to the control of all noise
within the city limits, as they exist now or may hereafter be
established.

95.02 DEFINITIONS.

For the purpose of this section, the following
definitions shall apply unless the context clearly indicates
or requires a different meaning:

Motor vehicle. Any vehicle powered by a mechanical engine,
and designed to be driven or used on any public or private
property. Such definition shall include, but not be limited
to: automobiles, vans, trucks, motorcycles, motor scooters,
dune buggies, snowmobiles, all-terrain vehicles, go-carts,
minibikes, and trail bikes.

Person. Any individual, association, partnership or
corporation which includes any officer, employee, department,
agency or instrumentality.

95.03 LOUD AND UNNECESSARY NOISE PROHIBITED.

(A) It shall be a violation of this chapter for a person
to make any loud, raucous, improper, unreasonable, offensive
or unusual noise, disorder or tumult, which disturbs, injures
or endangers the comfort, repose, health, peace or safety of
others within the city, or to permit such noise, disorder or
tumult to be made in or about his/her house or premises, and
the same is hereby declared to be a public nuisance.

(B) Further, it shall be the duty of every owner,
occupant, manager, agent or operator of any property,
structure, vehicle, or business in the city, to prevent
persons using property under their control from violating this
chapter.

1 **95.04 ENUMERATION OF CERTAIN PROHIBITED ACTS**

2 The following acts, uses or noises, among others, subject
3 to specific exemptions, are declared to be loud, raucous or
4 disturbing noises in violation of this chapter. Such
5 enumeration shall not be deemed to be exclusive:

6 (A) Using, operating or permitting to be played, used or
7 operated any machine or device for the producing or
8 reproducing of sound in such manner as to disturb the peace,
9 quiet and comfort of the neighboring inhabitants or at any
10 time with louder volume than is necessary for convenient
11 hearing for the person who is in the room, vehicle or property
12 in which such machine or device is operated and who is a
13 voluntary listener.

14 (B) Using, operating or permitting the use or operation
15 of any machine, instrument or device capable of producing or
16 reproducing of sound which is cast upon other properties
17 including the public right-of-way for the purposes of
18 commercial advertising or to attract attention to any
19 activity, performance, sale, place or structure.

20 (C) Using, operating or permitting the use or operation
21 of any machine, instrument or device capable of producing or
22 reproducing any sound on any public transportation vehicle.

23 (D) Using, operating or permitting to be played, used or
24 operated any machine or device for the producing or
25 reproducing of sound on any public right-of-way adjacent to
26 any school, institution of higher learning, church or court
27 while the same are in use, or adjacent to any hospital which
28 unreasonably interferes with the working of such institution,
29 or which unduly disturbs patients in the hospital.

30 **95.05 PROHIBITED NOISE.**

31 (A) No person shall play, use, operate or permit to be
32 played, used or operated, any machine or device for the
33 producing or reproducing of sound, if it is located in or on
34 any of the following:

35 (1) Any public property, including any public right-of-
36 way, highway, building, sidewalk, park or thoroughfare,
37 if the sound generated is audible at a distance of 30
38 feet from its source;

39 (2) Any motor vehicle on a public right-of-way, highway,
40 or public space if the sound generated is audible at a
41 distance of 30 feet from the device producing the sound.

42 **MOTOR VEHICULAR NOISE**

43 **95.06 CERTAIN ACTS CONSTITUTE PUBLIC NUISANCE.**

44 (A) The following acts are declared to be a public
45 nuisance, but the enumeration of the particular offenses
46 hereinafter particularly defined shall not be construed as
47 limiting the generality of this chapter, or limiting the
48 offense hereunder to the particular offense hereinafter
49 enumerated:

1
2 (1) The continuous or repeated sounding of any horn
3 or signal device of a motor vehicle when not used as a
4 danger signal. Continuous shall be defined to include
5 unnecessary or unreasonable periods of time.

6 (2) The use of any motor vehicle with appurtenances
7 attached thereto so as to create loud or unnecessary
8 grating, grinding, rattling or other noise.

9 (3) The use of any motor vehicle with or without
10 the attachment of various appurtenances thereto so as to
11 create loud or unnecessary grating, grinding, rattling or
12 other noise or noises. This shall include the use of any
13 vehicle said use of which causes excessive noise as a
14 result of a defective or modified exhaust system, or as
15 a result of unnecessary rapid acceleration, deceleration,
16 revving the engine, or tire squeal.

17 95.07 EXEMPTIONS.

18 Exemptions shall not be permitted within any duly established
19 "Quiet Zone" when such zone is designated by appropriate
20 signage. The following shall be exempted from the provisions
21 of this ordinance:

22 (A) Sound emitted from sirens of authorized emergency
23 vehicles.

24 (B) Lawn mowers, garden tractors, and similar home power
25 tools when properly muffled, between the hours of 8:00 a.m.
26 and 8:00 p.m.

27 (C) Burglar alarms or other warning devices when
28 properly installed on publicly or privately owned property,
29 providing the cause for such alarm or warning device sound is
30 investigated and turned off within a reasonable period of
31 time.

32 (D) Celebrations on Halloween and legal holidays.

(E) Permitted parades or festivals, between the hours or
8:00 a.m. and 12:00 midnight, Sunday through Thursday; and
between 8:00 a.m. and 1:00 a.m. Friday through Saturday.

(F) Attendant noise connected with the actual
performance of athletic or sporting events and practices
related to them.

(G) The emission of sound for the purposes of alerting
persons to the existence of an emergency, or for the
performance of emergency work.

(H) Sounds associated with the normal conduction of a
legally established non-transient business when such sounds
are customary, incidental, and within the normal range
appropriate for such use.

(I) In the case of motor vehicles, where the noise is
the result of a defective or modified exhaust system, if the
cause is repaired or otherwise remedied within seven (7)
calendar days.

33 95.20 PENALTY.

34 Whoever violates any provisions of this chapter, upon
35 conviction thereof, shall be fined not less than one hundred
36 fifty dollars (\$150.00) nor more than five hundred dollars
37 (\$500.00) for each offense. Each day any violation shall
38 continue shall constitute a separate offense."

SECTION 2. SEVERABILITY. If any provision of this chapter is now or later amended, or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions that can be given effect without the invalid provision or application.

SECTION 3. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor and its legal publication thereof.

COUNCILMEMBER

APPROVED AS TO FORM
AND LEGALITY.

Stanley A. Levine
Legal Advisor to
Fort Wayne Common Council

BILL NO. G-93-04-16 (as amended)

GENERAL ORDINANCE NO. _____

AN ORDINANCE OF THE COMMON COUNCIL OF THE
CITY OF FORT WAYNE, INDIANA AMENDING
CHAPTER 95 OF THE MUNICIPAL CODE OF THE
CITY OF FORT WAYNE ENTITLED "NOISE
CONTROL."

WHEREAS, Chapter 95 of the Fort Wayne Municipal Code is
in need of amendment.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF
THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Chapter 95 of the Fort Wayne Municipal
Code entitled "Noise Control" is hereby repealed and replaced
with the following language:

"95.01 SCOPE.

This Chapter shall apply to the control of all noise
originating within the city limits, as they exist now or may
hereafter be established.

95.02 DEFINITIONS.

For the purpose of this section, the following
definitions shall apply unless the context clearly indicates
or requires a different meaning:

Motor vehicle. Any vehicle powered by a mechanical engine,
and designed to be driven or used on any public or private
property. Such definition shall include, but not be limited
to: automobiles, vans, trucks, motorcycles, motor scooters,
dune buggies, snowmobiles, all-terrain vehicles, go-carts,
minibikes, and trail bikes.

Person. Any individual, association, partnership or
corporation which includes any officer, employee, department,
agency or instrumentality.

95.03 LOUD AND UNNECESSARY NOISE PROHIBITED.

(A) It shall be a violation of this chapter for a person
to make any loud, raucous, improper, unreasonable, offensive
or unusual noise, disorder or tumult, which disturbs, injures
or endangers the comfort, repose, health, peace or safety of
others within the city, and to continue to do so after being
asked to stop by a law enforcement office of the City, or to
permit such noise, disorder or tumult to be made in or about
his/her house or premises, and the same is hereby declared to
be a public nuisance.

(B) Further, it shall be the duty of every owner,
occupant, manager, agent or operator of any property,
structure, vehicle, or business in the city, to prevent
persons using property under their control from violating this
chapter.

1
2 **95.04 ENUMERATION OF CERTAIN PROHIBITED ACTS**

3 The following acts, uses or noises, among others, subject
4 to specific exemptions, are declared to be loud, raucous or
5 disturbing noises in violation of this chapter. Such
6 enumeration shall not be deemed to be exclusive:

7 (A) Using, operating or permitting to be played, used or
8 operated any machine or device for the producing or
9 reproducing of sound in such manner as to disturb the peace,
10 quiet and comfort of the neighboring inhabitants or at any
11 time with louder volume than is necessary for convenient
12 hearing for the person who is in the room, vehicle or property
13 in which such machine or device is operated and who is a
14 voluntary listener.

15 (B) Using, operating or permitting the use or operation
16 of any machine, instrument or device capable of producing or
17 reproducing of sound which is cast upon other properties
18 including the public right-of-way for the purposes of
19 commercial advertising or to attract attention to any
20 activity, performance, sale, place or structure.

21 (C) Yelling, shouting, hooting, whistling, or singing on
22 the public streets or right-of-ways at any time or place so as
23 to annoy or disturb the quiet, comfort, or repose of persons
24 in the vicinity, including those persons inside any structure.

25 (D) Using, operating or permitting the use or operation
26 of any machine, instrument or device capable of producing or
27 reproducing any sound on any public transportation vehicle.

28 (E) The creation of any loud and raucous noise on any
29 public right-of-way adjacent to any school, institution of
30 higher learning, church or court while the same are in use, or
31 adjacent to any hospital which unreasonably interferes with
32 the working of such institution, or which unduly disturbs
patients in the hospital.

(F) The participation in, or permitting of any party or
gathering which creates loud or raucous noise.

95.05 PROHIBITED NOISE.

(A) No person shall play, use, operate or permit to be
played, used or operated, any machine or device for the
producing or reproducing of sound, if it is located in or on
any of the following:

(1) Any public property, including any public right-of-
way, highway, building, sidewalk, park or thoroughfare,
if the sound generated is audible at a distance of 30
feet from its source;

(2) Any motor vehicle on a public right-of-way, highway,
or public space; and if the sound generated is audible at
a distance of 30 feet from the device producing the
sound.

(B) Possession by a person or persons of any of such
machines or devices for the producing or reproducing of sound
shall be prima facie evidence that such person operates, or
those persons operate, the machine or device.

MOTOR VEHICULAR NOISE

95.06 CERTAIN ACTS CONSTITUTE PUBLIC NUISANCE; EXCEPTION.

(A) The following acts are declared to be a public
nuisance, but the enumeration of the particular offenses
hereinafter particularly defined shall not be construed as
limiting the generality of this chapter, or limiting the
offense hereunder to the particular offense hereinafter
enumerated:

1
2 (1) The continuous or repeated sounding of any horn
3 or signal device of a motor vehicle when not used as a
4 danger signal. Continuous shall be defined to include
5 unnecessary or unreasonable periods of time.

6 (2) The use of any motor vehicle with appurtenances
7 attached thereto so as to create loud or unnecessary
8 grating, grinding, rattling or other noise.

9 (3) The use of any motor vehicle with or without
10 the attachment of various appurtenances thereto so as to
11 create loud or unnecessary grating, grinding, rattling or
12 other noise or noises. This shall include the use of any
13 vehicle said use of which causes excessive noise as a
14 result of a defective or modified exhaust system, or as
15 a result of unnecessary rapid acceleration, deceleration,
16 revving the engine, or tire squeal.

17 95.07 EXEMPTIONS.

18 Exemptions shall not be permitted within any duly established
19 "Quiet Zone" when such zone is designated by appropriate
20 signage. The following shall be exempted from the provisions
21 of this ordinance:

22 (A) Sound emitted from sirens of authorized emergency
23 vehicles.

24 (B) Lawn mowers, garden tractors, and similar home power
25 tools when properly muffled, between the hours of 8:00 a.m.
26 and 8:00 p.m.

27 (C) Burglar alarms or other warning devices when
28 properly installed on publicly or privately owned property,
29 providing the cause for such alarm or warning device sound is
30 investigated and turned off within a reasonable period of
31 time.

32 (D) Celebrations on Halloween and legal holidays.

(E) Permitted parades or festivals, between the hours of
8:00 a.m. and 12:00 midnight, Sunday through Thursday; and
between 8:00 a.m. and 1:00 a.m. Friday through Saturday.

(F) Attendant on-site noise connected with the actual
performance of athletic or sporting events and practices
related to them.

(G) The emission of sound for the purposes of alerting
persons to the existence of an emergency, or for the
performance of emergency work.

(H) Sounds associated with the normal conduction of a
legally established non-transient business when such sounds
are customary, incidental, and within the normal range
appropriate for such use.

(I) In the case of motor vehicles, where the noise is
the result of a defective or modified exhaust system, if the
cause is repaired or otherwise remedied within seven (7)
calendar days.

95.20 PENALTY.

Whoever violates any provisions of this chapter, upon
conviction thereof, shall be fined not less than one hundred
fifty dollars (\$150.00) nor more than five hundred dollars
(\$500.00) for each offense. Each day any violation shall
continue shall constitute a separate offense."

SECTION 2. SEVERABILITY. If any provision of this
chapter is now or later amended, or its application to any
person or circumstance is held invalid, the invalidity does
not affect other provisions that can be given effect without
the invalid provision or application.

1 SECTION 3. That this Ordinance shall be in full force
2 and effect from and after its passage and any and all
3 necessary approval by the Mayor and its legal publication
4 thereof.

5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

COUNCILMEMBER

APPROVED AS TO FORM
AND LEGALITY.

Stanley A. Levine
Legal Advisor to
Fort Wayne Common Council

BILL NO. G-93-04-16

GENERAL ORDINANCE NO. _____

AN ORDINANCE OF THE COMMON COUNCIL OF THE
CITY OF FORT WAYNE, INDIANA AMENDING
CHAPTER 95 OF THE MUNICIPAL CODE OF THE
CITY OF FORT WAYNE ENTITLED "NOISE
CONTROL."

WHEREAS, Chapter 95 of the Fort Wayne Municipal Code is
in need of amendment.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF
THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Chapter 95 of the Fort Wayne Municipal
Code entitled "Noise Control" is hereby repealed and replaced
with the following language:

"95.01 LOUD AND UNNECESSARY NOISE PROHIBITED.

(A) It shall be a violation of this chapter for a person
to make any loud, raucous, improper, unreasonable, offensive
or unusual noise, disorder or tumult, which disturbs, injures
or endangers the comfort, repose, health, peace or safety of
others within the city, and to continue to do so after being
asked to stop by a law enforcement office of the City, or to
permit such noise, disorder or tumult to be made in or about
his/her house or premises, and the same is hereby declared to
be a public nuisance.

(B) It shall be the duty of every home owner, hotel
manager, tavern or inn keeper, the owner or manager of any
business in the city, or motor vehicle driver to prevent
persons using property under their control from violation this
section.

95.02 ENUMERATION OF CERTAIN PROHIBITED ACTS

The following acts, among others, are declared to be
loud, raucous or disturbing noises in violation of this
chapter, but such enumeration shall not be deemed to be
exclusive:

(A) Using, operating or permitting to be played, used or
operated any radio, tape recorder, cassette player, C.D.
player, musical instrument, phonograph, loudspeaker, sound
amplifier, or other machine or device for the producing or
reproducing of sound in such manner as to disturb the peace,
quiet and comfort of the neighboring inhabitants or at any
time with louder volume than is necessary for convenient
hearing for the person who is in the room, vehicle or chamber
in which such machine or device is operated and who is a
voluntary listener. The operation of any such radio, tape
recorder, cassette player, C.D. player, musical instrument,
phonograph, or other machine or device for the producing or
reproducing of sound in such a manner to be plainly audible to
any persons on or in an adjoining property, apartment, office,
structure, sidewalk, or vehicle shall be prima facie evidence
of a violation of this chapter.

1
2
3
4 (B) Using, operating or permitting to be played, used or
5 operated, any radio, tape recorder, cassette player, C.D.
6 player, musical instrument, phonograph, loudspeaker, sound
7 amplifier, or other machine or device for the producing or
8 reproducing of sound which is cast upon the public streets for
9 the purpose of commercial advertising or attracting the
10 attention of the public to any building or structure.

11 (C) Yelling, shouting, hooting, whistling, or singing on
12 the public streets at any time or place so as to annoy or
13 disturb the quiet, comfort, or repose of persons in any office
14 or in any dwelling, hotel or other type of residence or of any
15 person in the vicinity.

16 (D) Using, operating or permitting to be played, used or
17 operated, any radio, tape recorder, cassette player, C.D.
18 player, musical instrument, phonograph, loudspeaker, sound
19 amplifier, or other machine or device for the producing or
20 reproducing of sound through external speakers on any public
21 transportation vehicle.

22 (E) The creation of any loud and raucous noise on any
23 street adjacent to any school, institution of higher learning,
24 church or court while the same are in use, or adjacent to any
25 hospital, which unreasonably interferes with the working of
26 such institution, or which unduly disturbs patients in the
27 hospital, provided conspicuous signs are displayed in such
28 streets indicating that the same is a school, hospital or
29 court street.

30 (F) The use of any drum or other instrument or device
31 for the purpose of attracting attention by creation of noise
32 to any performance, show or sale.

(G) The participation in, or permitting of any parties
or gatherings which create loud or raucous noise.

95.03 POLICE WHISTLE

It shall be unlawful for any person other than a police
officer of the city to blow a police whistle within the
corporate limits of city.

95.04 PROHIBITED NOISE.

(A) No person shall play, use, operate or permit to be
played, used or operated, any radio, tape recorder, cassette
player, C.D. player, musical instrument, phonograph,
loudspeaker, sound amplifier, or other machine or device for
the producing or reproducing of sound, if it is located in or
on any of the following:

(1) Any public property, including any public
street, highway, building, sidewalk, park or
thoroughfare; or

(2) Any motor vehicle on a public street, highway,
or public space; and if the sound generated is audible at
a distance of 30 feet from the device producing the
sound.

(3) Possession by a person or persons of any of the
machines or devices enumerated in subsection (A) shall be
prima facie evidence that such person operates, or those
persons operate, the machine or device.

1
2
3
4 LIGHT MOTOR VEHICULAR NOISE

5 95.05 CERTAIN ACTS CONSTITUTE PUBLIC NUISANCE; EXCEPTION.

6 (A) The following acts are declared to be a public
7 nuisance, but the enumeration of the particular offenses
8 hereinafter particularly defined shall not be construed as
9 limiting the generality of this section, or limiting the
10 offense hereunder to the particular offense hereinafter
11 enumerated:

12 (1) The sounding of any horn or signal device on
13 any automobile, motorcycle, bus, streetcar, or other
14 vehicle while not in motion, except as a danger signal if
15 another vehicle is approaching apparently out of control,
16 or if in motion only as a danger signal after or as
17 brakes are being applied and deceleration of the vehicle
18 is intended; the creation by means of any such signal
19 device of any unreasonably loud or harsh sound; and the
20 sounding of such device for an unnecessary and
21 unreasonable period of time.

22 (2) The use of any automobile, motorcycle or
23 vehicle with appurtenances attached thereto so as to
24 create loud or unnecessary grating, grinding, rattling or
25 other noise.

26 (3) Sounding any siren or other noise-making or
27 noise-producing device within the quiet zone as
28 designated by appropriate signs of any hospital or
29 sanitarium in the city.

30 (4) Operating, causing to be operated or using a
31 light motor vehicle such as to cause excessive noise
32 levels as a result of defective or modified exhaust
system, or as a result of unnecessary rapid acceleration,
deceleration, revving or tire squeal, or as the result of
operating any radio, tape recorder, cassette player, C.D.
player, musical instrument, phonograph, loudspeaker,
sound amplifier, or other machine or device for the
producing or reproducing of sound.

(B) The provisions of this section shall not apply to
celebrations on Halloween and legal holidays and celebrations
in connection with duly authorized parades.

95.06 SCOPE.

This section shall apply to the control of all noise
caused by light motor vehicles and originating within the city
limits.

95.07 DEFINITIONS.

For the purpose of this section, the following
definitions shall apply unless the context clearly indicates
or requires a different meaning:

Light motor vehicle. Any automobile, van, motorcycle, motor-
driven cycle, motor scooter, dune buggy, snowmobile, all-
terrain vehicle, go-cart, minibike, trail bike, and truck with
gross vehicular weight of less than 8,000 pounds.

1
2
3
4 **Person.** Any individual, association, partnership or
5 corporation which includes any officer, employee, department,
6 agency or instrumentality.

7
8 **Traffic noise.** Sound made by a motor vehicle operated either
9 on the public right-of-way or private property.

10
11 **95.08 EXEMPTIONS.**

12 The following are exempted from the provisions of this
13 section:

14 (A) Sound emitted from sirens of authorized emergency
15 vehicles.

16 (B) Lawn mowers, garden tractors, and similar home power
17 tools when properly muffled, for up to two hours per day
18 between the hours of 8:00 a.m. and 8:00 p.m.

19 (C) Burglar alarms on light motor vehicles of the
20 electronic Signaling type which transmit a non-audible signal
21 to a receiver which can be carried by the owner or operation
22 of the vehicle.

23 (D) Celebrations on Halloween and legal holidays and
24 celebrations in connection with duly authorized parades.

25
26 **95.09 PROSECUTION.**

27 It shall be unlawful for any person to violate the
28 provisions of this chapter. Whenever any Police Officer makes
29 an arrest for any violation of the provisions of this chapter,
30 he/she shall take down the name, address, operator's license
31 number and registration number of the vehicle if readily
32 available and shall issue to the alleged violator in writing
on the form provided by the City Clerk, a citation for a
violation of any provision of this chapter.

95.10 REMEDY OF NOISE SOURCE.

Within seven days, the person shall repair or remedy the
source of the excessive noise from the vehicle and have the
vehicle checked by a noise pollution police officer. If the
vehicle is being sold, the noise source must first be
corrected.

FINES; PENALTY.

95.20 PAYMENT OF FINES.

All fines and penalties shall be payable to the
Violations Bureau located in the office of the City Clerk.

1
2
3
4
5 95.21 PENALTY.

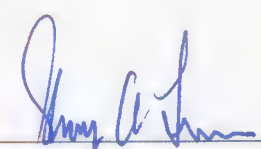
6 Whoever violates any provisions of this chapter, upon
7 conviction thereof, shall be fined not less than one hundred
8 fifty dollars (\$150.00) nor more than five hundred dollars
9 (\$500.00) for each offense. Each day any violation shall
10 continue shall constitute a separate offense. All fines
11 delinquent in payment for fourteen (14) calendar days or
12 longer from date of the violation will be double the amount of
13 the original fine."

14
15 SECTION 2. That this Ordinance shall be in full force
16 and effect from and after its passage and any and all
17 necessary approval by the Mayor and its legal publication
18 thereof.

19
20
21
22
23
24
25
26
27
28
29
30
31
32

COUNCILMEMBER

APPROVED AS TO FORM
AND LEGALITY.


Stanley A. Levine
Legal Advisor to
Fort Wayne Common Council

Read the first time in full and on motion by Sarg,
and duly adopted, read the second time by title and referred to the
Committee on Regulations (and the City Plan Commission
for recommendation) and Public Hearing to be held after due legal notice, at
the Common Council/Council Conference Room 128, City-County Building, Fort
Wayne,, Indiana, on _____, the _____ day of _____
_____, 19_____, at _____ o'clock
_____, M., E.S.T.

DATED: 4-13-93

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Henry,
and duly adopted, placed on its passage. PASSED ~~LOST~~
by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	<u>8</u>			<u>1</u>
BRADBURY	<u>✓</u>			
EDMONDS				<u>✓</u>
GiaQUINTA	<u>✓</u>			
HENRY	<u>✓</u>			
LONG	<u>✓</u>			
LUNSEY	<u>✓</u>			
RAVINE	<u>✓</u>			
SCHMIDT	<u>✓</u>			
TALARICO	<u>✓</u>			

DATED: 6-8-93.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne,
Indiana, as (ANNEXATION) _____ (APPROPRIATION) _____ (GENERAL)
(SPECIAL) _____ (ZONING) _____ ORDINANCE RESOLUTION NO. D-21-93
on the 8th day of June, 1993

ATTEST:

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

(SEAL)
Mark C. GiaQuinta
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on
the 9th day of June, 1993,
at the hour of 1:30 o'clock P., M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 16th day of June,
1993, at the hour of 10:45 o'clock A M., E.S.T.

PAUL HELMKE
PAUL HELMKE, MAYOR

~~Page 11~~
MAY 25

WE, YOUR COMMITTEE ON _____ REGULATIONS _____ TO WHOM WAS
REFERRED AN (ORDINANCE) (RESOLUTION) _____ OF THE COMMON COUNCIL
OF THE CITY OF FORT WAYNE, INDIANA AMENDING CHAPTER 95 OF
THE MUNICIPAL CODE OF THE CITY OF FORT WAYNE ENTITLED "NOISE
CONTROL"

HAVE HAD SAID (ORDINANCE) (RESOLUTION) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) (RESOLUTION) _____

[illegible]

DATED: 6-8-53.

Sandra E. Kennedy
City Clerk

Noted
See me
before you
redo
Sandy

95.04 ENUMERATION OF CERTAIN PROHIBITED ACTS

The following acts, uses or noises, among others, subject to specific exemptions, are declared to be loud, raucous or disturbing noises in violation of this chapter. Such enumeration shall not be deemed to be exclusive:

~~(A) Using, operating or permitting to be played, used or operated any machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the person who is in the room, vehicle or property in which such machine or device is operated and who is a voluntary listener.~~

(B) Using, operating or permitting the use or operation of any machine, instrument or device capable of producing or reproducing of sound which is cast upon other properties including the public right-of-way for the purposes of commercial advertising or to attract attention to any activity, performance, sale, place or structure.

~~(C) Yelling, shouting, hooting, whistling, or singing on the public streets or right-of-ways at any time or place so as to annoy or disturb the quiet, comfort, or repose of persons in the vicinity, including those persons inside any structure.~~

(D) Using, operating or permitting the use or operation of any machine, instrument or device capable of producing or reproducing any sound on any public transportation vehicle.

~~(E) The creation of any (loud and raucous noise) on any public right-of-way adjacent to any school, institution of higher learning, church or court while the same are in use, or adjacent to any hospital which unreasonably interferes with the working of such institution, or which unduly disturbs patients in the hospital.~~

~~(F) The participation in, or permitting of any party or gathering which creates loud or raucous noise.~~

95.05 PROHIBITED NOISE.

(A) No person shall play, use, operate or permit to be played, used or operated, any machine or device for the producing or reproducing of sound, if it is located in or on any of the following:

(1) Any public property, including any public right-of-way, highway, building, sidewalk, park or thoroughfare, if the sound generated is audible at a distance of 30 feet from its source;

(2) Any motor vehicle on a public right-of-way, highway, or public space if the sound generated is audible at a distance of 30 feet from the device producing the sound.

~~(B) No person shall operate a motor vehicle~~

MOTOR VEHICULAR NOISE

95.06 CERTAIN ACTS CONSTITUTE PUBLIC NUISANCE.

(A) The following acts are declared to be a public nuisance, but the enumeration of the particular offenses hereinafter particularly defined shall not be construed as limiting the generality of this chapter, or limiting the offense hereunder to the particular offense hereinafter enumerated:



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ROOM 122 • FORT WAYNE, INDIANA 46802 • 219-427-1208

SANDRA E. KENNEDY, CITY CLERK

June 17, 1993

Ms. Connie Lambert
Fort Wayne Newspapers, Inc.
600 West Main Street
Fort Wayne, IN 46802

Dear Ms. Lambert:

Please give the attached full coverage on the dates of
June 21 & June 28, 1993 in both the News Sentinel and
Journal Gazettee.

RE: Legal Notice for Common Council
of Fort Wayne, IN

Bill No. G-93-04-16
(as amended) (as amended) (as amended)
General Ordinance No. G-21-93
Noise Ordinance

Please send us 3 copies of the Publisher's Affidavit from
both newspapers.

Thank you.

Sincerely yours,

Sandra E. Kennedy
City Clerk

SEK/ne
ENCL:1

LEGAL NOTICE

Notice is hereby given that on the 8th day of
June, 19 93, the Common Council of the City
of Fort Wayne, Indiana, in a Regular Session did pass
the following Bill No. G-93-04-16 (as amended) (as amended) (as amended)
Ordinance No. G-21-93 to-wit:

BILL NO. G-93-04-16 (as amended) (as amended) (as amended)

GENERAL ORDINANCE NO. G-21-93

AN ORDINANCE OF THE COMMON COUNCIL
OF THE CITY OF FORT WAYNE, INDIANA
AMENDING CHAPTER 96 OF THE MUNICIPAL
CODE OF THE CITY OF FORT WAYNE
ENTITLED "NOISE CONTROL."

WHEREAS, Chapter 96 of the Fort Wayne Municipal Code
is in need of amendment.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL
OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Chapter 96 of the Fort Wayne
Municipal Code entitled "Noise Control" is hereby
repealed and replaced with the following language:

96.01 SCOPE.

This Chapter shall apply to the control of all noise
within the city limits, as they exist now or may
hereafter be established.

96.02 DEFINITIONS.

For the purpose of this section, the following
definitions shall apply unless the context clearly
indicates or requires a different meaning:

Motor vehicle. Any vehicle powered by a mechanical
engine, and designed to be driven or used on any public
or private property. Such definition shall include, but
not be limited to: automobiles, vans, trucks,
motorcycles, motor scooters, dune buggies, snowmobiles,
all-terrain vehicles, go-carts, minibikes, and trail
bikes.

Person. Any individual, association, partnership or
corporation which includes any officer, employee,
department, agency or instrumentality.

96.03 LOUD AND UNNECESSARY NOISE PROHIBITED.

(A) It shall be a violation of this chapter for a
person to make any loud, raucous, improper, unreasonable,
offensive or unusual noise, disorder or tumult, which
disturbs, injures or endangers the comfort, repose,
health, peace or safety of others within the city, or to
permit such noise, disorder or tumult to be made in or
about his/her house or premises, and the same is hereby
declared to be a public nuisance.

(B) Further, it shall be the duty of every owner,
occupant, manager, agent or operator of any property,
structure, vehicle, or business in the city, to prevent
persons using property under their control from violating
this chapter.

96.04 ENUMERATION OF CERTAIN PROHIBITED ACTS

The following acts, uses or noises, among others,
subject to specific exemptions, are declared to be loud,
raucous or disturbing noises in violation of this

1 (A) Using, operating or permitting to be played,
2 used or operated any machine or device for the producing
3 or reproducing of sound in such manner as to disturb the
4 peace, quiet and comfort of the neighboring inhabitants
5 or at any time with louder volume than is necessary for
6 convenient hearing for the person who is in the room,
7 vehicle or property in which such machine or device is
8 operated and who is a voluntary listener.

9 (B) Using, operating or permitting the use or
10 operation of any machine, instrument or device capable of
11 producing or reproducing of sound which is cast upon
12 other properties including the public right-of-way for
13 the purposes of commercial advertising or to attract
14 attention to any activity, performance, sale, place or
15 structure.

16 (C) Using, operating or permitting the use or
17 operation of any machine, instrument or device capable of
18 producing or reproducing any sound on any public
19 transportation vehicle.

20 (D) Using, operating or permitting to be played,
21 used or operated any machine or device for the producing
22 or reproducing of sound on any public right-of-way
23 adjacent to any school, institution of higher learning,
24 church or court while the same are in use, or adjacent to
25 any hospital which unreasonably interferes with the
26 working of such institution, or which unduly disturbs
27 patients in the hospital.

28 96.05 PROHIBITED NOISE.

29 (A) No person shall play, use, operate or permit to
30 be played, used or operated, any machine or device for
31 the producing or reproducing of sound, if it is located
32 in or on any of the following:

33 (1) Any public property, including any public
34 right-of-way, highway, building, sidewalk, park or
35 thoroughfare, if the sound generated is audible at
36 a distance of 30 feet from its source;

37 (2) Any motor vehicle on a public right-of-way,
38 highway, or public space if the sound generated is
39 audible at a distance of 30 feet from the device
40 producing the sound.

41 MOTOR VEHICULAR NOISE

42 96.06 CERTAIN ACTS CONSTITUTE PUBLIC NUISANCE.

43 (A) The following acts are declared to be a public
44 nuisance, but the enumeration of the particular offenses
45 hereinafter particularly defined shall not be construed
46 as limiting the generality of this chapter, or limiting
47 the offense hereunder to the particular offense
48 hereinafter enumerated:

49 (1) The continuous or repeated sounding of any
50 horn or signal device of a motor vehicle when not used as
51 a danger signal. Continuous shall be defined to include
52 unnecessary or unreasonable periods of time.

53 (2) The use of any motor vehicle with
54 appurtenances attached thereto so as to create loud
55 or unnecessary grating, grinding, rattling or other
56 noise.

1 (3) The use of any motor vehicle with or
2 without the attachment of various appurtenances
3 thereto so as to create loud or unnecessary
4 grating, grinding, rattling or other noise or
5 noises. This shall include the use of any vehicle
6 said use of which causes excessive noise as a
7 result of a defective or modified exhaust system,
8 or as a result of unnecessary rapid acceleration,
9 deceleration, revving the engine, or tire squeal.

10 **96.07 EXEMPTIONS.**

11 Exemptions shall not be permitted within any duly
12 established "Quiet Zone" when such zone is designated by
13 appropriate signage. The following shall be exempted
14 from the provisions of this ordinance:

15 (A) Sound emitted from sirens of authorized
16 emergency vehicles.

17 (B) Lawn mowers, garden tractors, and similar home
18 power tools when properly muffled, between the hours of
19 8:00 a.m. and 8:00 p.m.

20 (C) Burglar alarms or other warning devices when
21 properly installed on publicly or privately owned
22 property, providing the cause for such alarm or warning
23 device sound is investigated and turned off within a
24 reasonable period of time.

25 (D) Celebrations on Halloween and legal holidays.

26 (E) Permitted parades or festivals, between the
27 hours of 8:00 a.m. and 12:00 midnight, Sunday through
28 Thursday; and between 8:00 a.m. and 1:00 a.m. Friday
29 through Saturday.

30 (F) Attendant noise connected with the actual
31 performance of athletic or sporting events and practices
32 related to them.

33 (G) The emission of sound for the purposes of
34 alerting persons to the existence of an emergency, or for
35 the performance of emergency work.

36 (H) Sounds associated with the normal conduction of
37 a legally established non-transient business when such
38 sounds are customary, incidental, and within the normal
39 range appropriate for such use.

40 (I) In the case of motor vehicles, where the noise
41 is the result of a defective or modified exhaust system,
42 if the cause is repaired or otherwise remedied within
43 seven (7) calendar days.

44 **96.20 PENALTY.**

45 Whoever violates any provisions of this chapter,
46 upon conviction thereof, shall be fined not less than one
47 hundred fifty dollars (\$150.00) nor more than five
48 hundred dollars (\$500.00) for each offense. Each day any
49 violation shall continue shall constitute a separate
50 offense."

51 **SECTION 2. SEVERABILITY.** If any provision of this
52 chapter is now or later amended, or its application to
53 any person or circumstance is held invalid, the
54 invalidity does not affect other provisions that can be
55 given effect without the invalid provision or
56 application.

57 **SECTION 3.** That this Ordinance shall be in full
58 force and effect from and after its passage and any and
59 all necessary approval by the Mayor and its legal
60 publication thereof.

61 Thomas C. Henry
62 Council Member

Read the third time in full and on motion by Henry, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Eight
Bradbury, GiaQuinta, Henry, Long, Lunsey,
Ravine, Schmidt, Talarico
NAYS: None
ABSTAINED: None
ABSENT: One
Edmonds

DATED: 6-8-93

Sandra E. Kennedy
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as General Ordinance G-21-93 on the 8th day of June, 1993

ATTEST:

SEAL

Sandra E. Kennedy
City Clerk

Mark E. GiaQuinta
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of June, 1993, at the hour of 1:30 o'clock P.M., E.S.T.

Sandra E. Kennedy
City Clerk

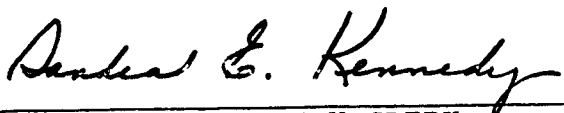
Approved and signed by me this 16th day of June, 1993, at the hour of 10:45 o'clock A.M., E.S.T.

Paul Helmke
Mayor

I, The Clerk of the City of Fort Wayne, Indiana do hereby certify that the above and foregoing is a full, true and complete copy of
General _____ Ordinance No. G-21-93,
passed by the Common Council on the 8th day of
June, 19 93, and that said Ordinance was
duly signed and approved by the Mayor on the 16th day of
June, 19 93, and now remains on file and
on record in my office.

WITNESS my hand, and the official seal of the City of Fort Wayne,
Indiana, this 16th day of June, 19 93.

SEAL


SANDRA E. KENNEDY, CITY CLERK

4

FW Common Council
(Governmental Unit)

To:

The Journal-Gazette

Dr.

P.O. Box 100

Fort Wayne, IN

ALLEN County, Indiana

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total
more than four solid lines of type in which the body of the advertisement is set)

(D) Using, operating or permitting to be played, used or operated any machine or device for the producing or reproducing of sound on any public right-of-way adjacent to any school, institution of higher learning, church or court while the same are in use, or adjacent to any hospital which unreasonably interferes with the working of such institution, or which unduly disturbs patients in the hospital.

96.05 PROHIBITED NOISE.

(A) No person shall play, use, operate or permit to be played, used or operated, any machine or device for the producing or reproducing of sound, if it is located in or on any of the following:

(1) Any public property, including any public right-of-way, highway, building, sidewalk, park or thoroughfare, if the sound generated is audible at a distance of 30 feet from its source;

(2) Any motor vehicle on a public right-of-way, highway, or public space if the sound generated is audible at a distance of 30 feet from the device producing the sound.

MOTOR VEHICULAR NOISE

96.06 CERTAIN ACTS CONSTITUTE PUBLIC NUISANCE.

(A) The following acts are declared to be a public nuisance, but the enumeration of the particular offenses hereinafter particularly defined shall not be construed as limiting the generality of this chapter, or limiting the offense hereunder to the particular offense hereinafter enumerated:

(1) The continuous or repeated sounding of any horn or signal device of a motor vehicle when not used as a danger signal. Continuous shall be defined to include unnecessary or unreasonable periods of time.

(2) The use of any motor vehicle with appurtenances attached thereto so as to create loud or unnecessary grating, grinding, rattling or other noise.

(3) The use of any motor vehicle with or without the attachment of various appurtenances thereto so as to create loud or unnecessary grating, grinding, rattling or other noise or noises. This shall include the use of any vehicle said use of which causes excessive noise as a result of a defective or modified exhaust system, or as a result of unnecessary rapid acceleration, deceleration, revving the engine, or tire squeal.

96.07 EXEMPTIONS.

Exemptions shall not be permitted within any duly established Quiet Zone when such zone is designated by appropriate signage. The following shall be exempted from the provisions of this ordinance:

(A) Sound emitted from sirens of authorized emergency vehicles.

(B) Lawn mowers, garden tractors, and similar home power tools when properly muffled, between the hours of 8:00 a.m. and 8:00 p.m.

(C) Burglar alarms or other warning devices when properly installed on publicly or privately owned property, providing the cause for such alarm or warning device sound is investigated and turned off within a reasonable period of time.

(D) Celebrations on Halloween and legal holidays.

(E) Permitted parades or festivals, between the hours of 8:00 a.m. and 12:00 midnight, Sunday through Thursday; and between 8:00 a.m. and 1:00 a.m. Friday through Saturday.

(F) Attendant noise connected with the actual performance of athletic or sporting events and practices related to them.

(G) The emission of sound for the purposes of alerting persons to the existence of an emergency, or for the performance of emergency work.

(H) Sounds associated with the normal conduction of a legally established non-transient business when such sounds are customary, incidental, and within the normal range appropriate for such use.

(I) In the case of motor vehicles, where the noise is the result of a defective or modified exhaust system, if the cause is repaired or otherwise remedied within seven (7) calendar days.

96.20 PENALTY.

Whoever violates any provisions of this chapter, upon conviction thereof, shall be fined not less than one hundred fifty dollars (\$150.00) nor more than five hundred dollars (\$500.00) for each offense. Each day any violation shall continue shall constitute a separate offense.

SECTION 2. SEVERABILITY. If any provision of this chapter is now or later amended, or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions that can be given effect without the invalid provision or application.

SECTION 3. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor and its legal publication thereof.

Thomas C. Henry
Council Member

Read the third time in full and on motion by Henry, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Eight
Bradbury, GiaQuinta, Henry, Long, Lunsey, Ravine, Schmidt, Talarico

NAYS: None
ABSTAINED: None

ABSENT: One
Edmonds

DATED: 6-8-93

Sandra E. Kennedy
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as General Ordinance G-

Columns wide equals 217 equivalent lines

\$ 107.42

containing rule or tabular work

Application (\$1.00 for each proof in excess of two)

1.00

\$ 108.42

penalties of Chapter 155, Acts 1953,

The undersigned, being a duly qualified notary public, hereby certify that the foregoing account is just and correct, that the amount following all just credits, and that no part of the

19 93

Title:

Clerk

PUBLISHER'S AFFIDAVIT

State of Indiana)

) ss:

Allen County)

Personally appeared before me, a notary public in and for said county and state, the undersigned Cindy Gillenwater who, being duly sworn, says that he/

she is Clerk of the The Journal-Gazette newspaper of general circulation printed and published in the English language in the (city) (town) of Fort Wayne, IN in state and county aforesaid, and that the printed matter

attached hereto is a true copy, which was duly published in said paper for 2 time 6/21, 28/93, the dates of publication being as follows:

FW Common Council
(Governmental Unit)

To:

The Journal-Gazette

Dr.

P.O. Box 100

Fort Wayne, IN

ALLEN County, Indiana

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of type in which the body of the advertisement is set)
-- number of equivalent lines

Head -- number of lines

Body -- number of lines

Tail -- number of lines

Total number of lines in notice

COMPUTATION OF CHARGES

217 lines, 1 columns wide equals 217 equivalent lines
at .495 cents per line

\$ 107.42

Additional charge for notices containing rule or tabular work
(50 percent of above amount)

Charge for extra proofs of publication (\$1.00 for each proof in excess of two)

1.00

TOTAL AMOUNT OF CLAIM

\$ 108.42

DATA FOR COMPUTING COST

Width of single column 12.5 ems

Number of insertions 2

Size of type 6 point

Pursuant to the provisions and penalties of Chapter 155, Acts 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date: June 28, 1993

Title: Clerk

PUBLISHER'S AFFIDAVIT

LEGAL NOTICE

Notice is hereby given that on the 8th day of June, 1993, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session did pass the following Bill No. G-93-04-16 (as amended) (as amended) Ordinance No. G-21-93 to-wit:

BILL NO. G-93-04-16 (as amended) (as amended) (as amended)
GENERAL ORDINANCE NO. G-21-93
AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA AMENDING CHAPTER 96 OF THE MUNICIPAL CODE OF THE CITY OF FORT WAYNE ENTITLED NOISE CONTROL.

(D) Using, operating or permitting to be played, used or operated any machine or device for the producing or reproducing of sound on any public right-of-way adjacent to any school, institution of higher learning, church or court while the same are in use, or adjacent to any hospital which unreasonably interferes with the working of such institution, or which unduly disturbs patients in the hospital.

96.05 PROHIBITED NOISE.
(A) No person shall play, use, operate or permit to be played, used or operated, any machine or device for the producing or reproducing of sound, if it is located in or on any public right-of-way.

State of Indiana)

) ss:

Allen County)

Personally appeared before me, a notary public in and for said county and state, the undersigned Cindy Gillenwater who, being duly sworn, says that he/

is Clerk of the The Journal-Gazette newspaper of general circulation printed and published in the English language in the (city) (town) of Fort Wayne, IN in state and county aforesaid, and that the printed matter

attached hereto is a true copy, which was duly published in said paper for 2 time , the dates of publication being as follows:

...the Common Council of the City of Fort Wayne, Indiana, in a Regular Session did pass the following Bill No. G-93-04-16 (as amended) (as amended) Ordinance No. G-21-93 with:

LL NO. G-93-04-16 (as amended) (as amended) (as amended)

GENERAL ORDINANCE NO. G-21-93

ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA AMENDING CHAPTER 96 OF THE MUNICIPAL CODE OF THE CITY OF FORT WAYNE ENTITLED NOISE CONTROL.

WHEREAS, Chapter 96 of the Fort Wayne Municipal Code is in need of amendment.

OW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Chapter 96 of the Fort Wayne Municipal Code entitled Noise Control is hereby repealed and replaced with the following language:

6.01 SCOPE.

This Chapter shall apply to the control of all noise within the city limits, as they exist now or may hereafter be established.

6.02 DEFINITIONS.

For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

Motor vehicle. Any vehicle powered by a mechanical engine, and designed to be driven or used on any public or private property. Such definition shall include, but not be limited to: automobiles, vans, trucks, motorcycles, motor scooters, dune buggies, snowmobiles, all-terrain vehicles, go-carts, minibikes, and trail bikes.

Person. Any individual, association, partnership or corporation which includes any officer, employee, department, agency or instrumentality.

96.03 LOUD AND UNNECESSARY PROHIBITED.

(A) It shall be a violation of this chapter for a person to make any loud, raucous, improper, unreasonable, offensive or unusual noise, disorder or tumult, which disturbs, injures or endangers the comfort, repose, health, peace or safety of others within the city, or to permit such noise, disorder or tumult to be made in or about his/her house or premises, and the same is hereby declared to be a public nuisance.

(B) Further, it shall be the duty of every owner, occupant, manager, agent or operator of any property, structure, vehicle, or business in the city, to prevent persons using property under their control from violating this chapter.

96.04 ENUMERATION OF CERTAIN PROHIBITED ACTS.

The following acts, uses or noises, among others, subject to specific exemptions, are declared to be loud, raucous or disturbing noises in violation of this chapter. Such enumeration shall not be deemed to be exclusive:

(A) Using, operating or permitting to be played, used or operated any machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the person who is in the room, vehicle or property in which such machine or device is operated and who is a voluntary listener.

(B) Using, operating or permitting the use or operation of any machine, instrument or device capable of producing or reproducing of sound which is cast upon other properties including the public right-of-way for the purposes of commercial advertising or to attract attention to any activity, performance, sale, place or structure.

(C) Using, operating or permitting the use or operation of any machine, instrument or device capable of producing or reproducing any sound on any public transportation vehicle.

(D) Using, operating or permitting to be played, used or operated any machine or device for the producing or reproducing of sound on any public right-of-way adjacent to any school, institution of higher learning, church or court while the same are in use, or adjacent to any hospital which unreasonably interferes with the working of such institution, or which unduly disturbs patients in the hospital.

96.05 PROHIBITED NOISE.

(A) No person shall play, use, operate or permit to be played, used or operated, any machine or device for the producing or reproducing of sound, if it is located in or on any of the following:

(1) Any public property, including any public right-of-way, highway, building, sidewalk, park or thoroughfare, if the sound generated is audible at a distance of 30 feet from its source;

(2) Any motor vehicle on a public right-of-way, highway, or public space if the sound generated is audible at a distance of 30 feet from the device producing the sound.

MOTOR VEHICULAR NOISE

96.06 CERTAIN ACTS CONSTITUTE PUBLIC NUISANCE.

(A) The following acts are declared to be a public nuisance, but the enumeration of the particular offenses hereinafter particularly defined shall not be construed as limiting the generality of this chapter, or limiting the offense hereunder to the particular offense hereinafter enumerated:

(1) The continuous or repeated sounding of any horn or signal device of a motor vehicle when not used as a danger signal. Continuous shall be defined to include unnecessary or unreasonable periods of time.

(2) The use of any motor vehicle with appurtenances attached thereto so as to create loud or unnecessary grating, grinding, rattling or other noise.

(3) The use of any motor vehicle with or without the attachment of various appurtenances thereto so as to create loud or unnecessary grating, grinding, rattling or other noise or noises. This shall include the use of any vehicle said use of which causes excessive noise as a result of a defective or modified exhaust system, or as a result of unnecessary rapid acceleration, deceleration, revving the engine, or tire squeal.

96.07 EXEMPTIONS.

Exemptions shall not be permitted within any duly established Quiet Zone when such zone is designated by appropriate signage. The following shall be exempted from the provisions of this ordinance:

(A) Sound emitted from sirens of authorized emergency vehicles.

(B) Lawn mowers, garden tractors, and similar home power tools when properly muffled, between the hours of 8:00 a.m. and 8:00 p.m.

(C) Burglar alarms or other warning devices when properly installed on publicly or privately owned property, providing the cause for such alarm or warning device sound is investigated and turned off within a reasonable period of time.

(D) Celebrations on Halloween and legal holidays.

(E) Permitted parades or festivals, between the hours of 8:00 a.m. and 12:00 midnight, Sunday through Thursday; and between 8:00 a.m. and 1:00 a.m. Friday through Saturday.

(F) Attendant noise connected with the actual performance of athletic or sporting events and practices related to them.

(G) The emission of sound for the purposes of alerting persons to the existence of an emergency, or for the performance of emergency work.

(H) Sounds associated with the normal conduction of a legally established non-transient business when such sounds are customary, incidental, and within the normal range appropriate for such use.

(I) In the case of motor vehicles, where the noise is the result of a defective or modified exhaust system, if the cause is repaired or otherwise remedied within seven (7) calendar days.

96.20 PENALTY.

Whoever violates any provisions of this chapter, upon conviction thereof, shall be fined not less than one hundred fifty dollars (\$150.00) nor more than five hundred dollars (\$500.00) for each offense. Each day any violation shall continue shall constitute a separate offense.

SECTION 2. SEVERABILITY. If any provision of this chapter is now or later amended, or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions that can be given effect without the invalid provision or application.

SECTION 3. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor and its legal publication thereof.

Thomas C. Henry
Council Member

Read the third time in full and on motion by Henry, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Eight
Bradbury, GiaQuinta, Henry, Long, Lunsey, Ravine, Schmidt, Talarico

NAYS: None

ABSTAINED: None

ABSENT: One
Edmonds

DATED: 6-8-93

Sandra E. Kennedy
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as General Ordinance G-21-93 on the 8th day of June, 1993

ATTEST:
Sandra E. Kennedy
City Clerk

Mark E. GiaQuinta
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of June, 1993, at the hour of 1:30 o'clock P.M. E.S.T.

ard of Accounts

General Form No. 99P (Revised 1987)

To: The News-Sentinel Dr.

P.O. Box 100

Fort Wayne, IN

ounty, Indiana

PUBLISHER'S CLAIM

il
it)

exceed two actual lines, neither of which shall total
of type in which the body of the advertisement is set)

es

columns wide equals 217 equivalent lines

\$ 107.42

es containing rule or tabular work

it)

1.00

publication (\$1.00 for each proof in excess of two)

\$ 108.42

AIM

OST

.5 ems

2

and penalties of Chapter 155, Acts 1953,

regarding account is just and correct, that the amount
or allowing all just credits, and that no part of the

Cindy Gillenwater

Clerk

19 93

Title:

PUBLISHER'S AFFIDAVIT

State of Indiana)

) ss:

Allen County)

Personally appeared before me, a notary public in and for said county and state, the undersigned Cindy Gillenwater who, being duly sworn, says that he/she is Clerk of the The News-Sentinel newspaper of general circulation printed and published in the English language in the (city) (town) of Fort Wayne, IN in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 time , the dates of publication being as follows:

6/21, 28/93

Cindy Gillenwater

FW Common Council
(Governmental Unit)

To:

The News-Sentinel

Dr.

P.O. Box 100

Fort Wayne, IN

ALLEN County, Indiana

PUBLISHER'S CLAIM

LINE COUNT

Using, operating or permitting to be played, or operated any machine or device for the producing or reproducing of sound on any public right-of-way adjacent to any school, institution of higher learning, church or court while the same are in use, adjacent to any hospital which unreasonably interferes with the working of such institution, or which unduly disturbs patients in the hospital.

.05 PROHIBITED NOISE.

No person shall play, use, operate or permit to be played, used or operated, any machine or device for the producing or reproducing of sound, if it is located in or on any of the following:

Any public property, including any public right-of-way, highway, building, sidewalk, park or thoroughfare, if the sound generated is audible at a distance of 30 feet from its source;

Any motor vehicle on a public right-of-way, highway, or public space if the sound generated is audible at a distance of 30 feet from the device producing the sound.

MOTOR VEHICULAR NOISE

.06 CERTAIN ACTS CONSTITUTE PUBLIC NUISANCE.

The following acts are declared to be a public nuisance, but the enumeration of the particular offenses hereinafter particularly defined shall not be construed as limiting the generality of this chapter, or limiting the offense hereunder to the particular offense hereinafter enumerated:

1) The continuous or repeated sounding of any horn or signal device of a motor vehicle when not used as a danger signal. Continuous shall be defined to include unnecessary or unreasonable periods of time.

2) The use of any motor vehicle with appurtenances attached thereto so as to create loud or unnecessary grating, grinding, rattling or other noise.

3) The use of any motor vehicle with or without the attachment of various appurtenances thereto so as to create loud or unnecessary grating, grinding, rattling or other noise or noises. This shall include the use of any vehicle said use of which causes excessive noise as a result of a defective or modified exhaust system, or as a result of unnecessary rapid acceleration, deceleration, revving the engine, or tire squeal.

.07 EXEMPTIONS.

Exemptions shall not be permitted within any duly established Quiet Zone when such zone is designated by appropriate signage. The following shall be exempted from the provisions of this ordinance:

A) Sound emitted from sirens of authorized emergency vehicles.

B) Lawn mowers, garden tractors, and similar home power tools when properly muffled, between the hours of 8:00 a.m. and 8:00 p.m.

C) Burglar alarms or other warning devices when properly installed on publicly or privately owned property, providing the cause for such alarm or warning device sound is investigated and turned off within a reasonable period of time.

D) Celebrations on Halloween and legal holidays.

E) Permitted parades or festivals, between the hours of 8:00 a.m. and 12:00 midnight, Sunday through Thursday; and between 8:00 a.m. and 1:00 p.m. Friday through Saturday.

F) Attendant noise connected with the actual performance of athletic or sporting events and practices related to them.

G) The emission of sound for the purposes of alerting persons to the existence of an emergency, or for the performance of emergency work.

H) Sounds associated with the normal conduction of a legally established non-transient business when such sounds are customary, incidental, and within the normal range appropriate for such use.

I) In the case of motor vehicles, where the noise is the result of a defective or modified exhaust system, if the cause is repaired or otherwise remedied within seven (7) calendar days.

.08 PENALTY.

Whoever violates any provisions of this chapter, upon conviction thereof, shall be fined not less than one hundred fifty dollars (\$150.00) nor more than five hundred dollars (\$500.00) for each offense. Each day any violation shall continue shall constitute a separate offense.

SECTION 2. SEVERABILITY. If any provision of this chapter is now or later amended, or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions that can be given effect without the invalid provision or application.

SECTION 3. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor and its legal publication thereof.

Thomas C. Henry

Council Member

Read the third time in full and on motion by Henry, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Eight
Bradbury, GiaQuinta, Henry, Long, Lunsey, Ravine, Schmidt, Talarico

NAYS: None

ABSTAINED: None

ABSENT: One

Edmonds

DATED: 6-8-93

Sandra E. Kennedy

City Clerk

Passed and adopted by the Common Council of the

exceed two actual lines, neither of which shall total of type in which the body of the advertisement is set)

es

ice

ES

columns wide equals 217 equivalent lines

\$ 107.42

containing rule or tabular work

publication (\$1.00 for each proof in excess of two)

1.00

\$ 108.42

penalties of Chapter 155, Acts 1953,

owing account is just and correct, that the amount following all just credits, and that no part of the

19 93

Title:

Clerk

PUBLISHER'S AFFIDAVIT

State of Indiana)

) ss:

Allen County)

Personally appeared before me, a notary public in and for said county and state, the undersigned Cindy Gillenwater who, being duly sworn, says that he/she is Clerk of the The News-Sentinel newspaper of general

circulation printed and published in the English language in the (city) (town) of Fort Wayne, IN in state and county aforesaid, and that the printed matter

attached hereto is a true copy, which was duly published in said paper for

2

time , the dates of publication being as follows:

FW Common Council
(Governmental Unit)

To:

The News-Sentinel

Dr.

P.O. Box 100

Fort Wayne, IN

ALLEN County, Indiana

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of type in which the body of the advertisement is set)
-- number of equivalent lines

Head -- number of lines

Body -- number of lines

Tail -- number of lines

Total number of lines in notice

COMPUTATION OF CHARGES

217 lines, 1 columns wide equals 217 equivalent lines
at .495 cents per line

\$ 107.42

Additional charge for notices containing rule or tabular work
(50 percent of above amount)

Charge for extra proofs of publication (\$1.00 for each proof in excess of two)

1.00

TOTAL AMOUNT OF CLAIM

\$ 108.42

DATA FOR COMPUTING COST

Width of single column 12.5 ems

Number of insertions 2

Size of type 6 point

Pursuant to the provisions and penalties of Chapter 155, Acts 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date: June 28, 19 93

Title:

Clerk

PUBLISHER'S AFFIDAVIT

LEGAL NOTICE

Notice is hereby given that on the 8th day of June,

2) Using, operating or permitting to be played, used or operated any machine or device for the producing or reproducing of sound on any public right-of-way adjacent to any school, institution of higher learning, church or court while the same are in use, or adjacent to any hospital which unreasonably interferes with the working of such institution, or which unduly disturbs patients in the hospital.

6.05 PROHIBITED NOISE.

A) No person shall play, use, operate or permit to be played, used or operated, any machine or device for the producing or reproducing of sound, if it is located in or on any of the following:

1) Any public property, including any public right-of-way, highway, building, sidewalk, park or thoroughfare, if the sound generated is audible at a distance of 30 feet from its source;

2) Any motor vehicle on a public right-of-way, highway, or public space if the sound generated is audible at a distance of 30 feet from the device producing the sound.

MOTOR VEHICULAR NOISE

16.06 CERTAIN ACTS CONSTITUTE PUBLIC NUISANCE.

(A) The following acts are declared to be a public nuisance, but the enumeration of the particular of-

State of Indiana)

) ss:

Allen County)

Personally appeared before me, a notary public in and for said county and state, the undersigned Cindy Gillenwater who, being duly sworn, says that he/she is Clerk of the The News-Sentinel newspaper of general

circulation printed and published in the English language in the (city) (town) of Fort Wayne, IN in state and county aforesaid, and that the printed matter

attached hereto is a true copy, which was duly published in said paper for

2

time , the dates of publication being as follows: